

AN ORDINANCE 101405

AMENDING FEES ASSOCIATED WITH THE HEALTH DEPARTMENT RELATED TO INSPECTIONS, PERMITS, IDENTIFICATION CARDS AND CERTIFICATES, RESULTING IN ADDITIONAL FUNDS TO THE GENERAL FUND; AND AMENDING THE CORRESPONDING SECTIONS OF THE CITY CODE TO REFLECT SUCH CHANGES.

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WHEREAS, the San Antonio Metropolitan Health District maintains and issues birth and death records through its Vital Statistics Registrar; and

WHEREAS, the San Antonio Metropolitan Health Department regularly performs inspections to protect the health and safety of residents and visitors; and

WHEREAS, the San Antonio Metropolitan Health District issues identification cards for individuals that supervise personnel who handle food, and annual permits for health service facilities; and

WHEREAS, the personnel and other related costs to provide said permits and inspections have increased and it is necessary to revise the existing fees for these activities; **NOW THEREFORE:**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. The fee charged by the Vital Statistics Division of the San Antonio Metropolitan Health District for the issuance of certified copies of birth and death certificates, which is currently set at \$12.00 and \$10.00 each, respectively, is hereby authorized to be increased to the amounts prescribed in accordance with applicable State law.

SECTION 2. Chapter 2, Administration, Article I., In General, **Section 2-2 (b) and Section 2-2 (c) Registration of vital statistics, fees for records**, of the City Code of San Antonio, Texas are hereby amended to read, respectively, as follows:

- (b) *Fee for records other than death certificates.* Except in the case of certified copies of death certificates, the registrar shall issue to a properly qualified applicant a certified copy of any records within registrar's keeping upon payment of a fee prescribed in accordance with applicable State law.
- (c) *Fees for death certificates.* The registrar shall issue to a properly qualified applicant a certified copy of any certificate of death within the registrar's keeping upon payment of a fee prescribed in accordance with applicable State law. Additional copies of the same death certificate may be provided to the applicant upon payment of a fee of four dollars (\$4.00) for each additional copy issued, providing that application for the additional copy is made on the same date and on the same application as the first certificate.

SECTION 3. The fee charged by the San Antonio Metropolitan Health District for any food establishment or vendor requiring inspection beyond the normal inspection schedule is hereby increased to \$45.00 for the first reinspection, \$70.00 for the second reinspection, \$100.00 for the third reinspection, and \$120.00 for the fourth and subsequent reinspection.

SECTION 4. Chapter 13, Food and Food Handlers, Article II., Licenses Generally, **Section 13-44. Reinspection fee**, of the City Code of San Antonio, Texas is hereby amended to read as follows:

There is imposed a reinspection fee for any food establishment or food vendor regulated under Chapter 13 of the City Code. Any establishment or vendor that requires an inspection beyond the normal schedule will be charged a fee as follows for each reinspection:

1 st Reinspection	\$ 45.00
2nd Reinspection	70.00
3rd Reinspection	100.00
4th and Subsequent Reinspection . .	120.00

Fees are due upon the reinspection and failure to pay the fee will result in the immediate suspension of the appropriate license. Such suspension will only be lifted at such time as the reinspection fee is paid and violations noted are corrected.

SECTION 5. The term of certification for a food service operator's identification card issued by the San Antonio Metropolitan Health District will coincide with the food service training certificate issued from the Texas Department of State Health Services (TDSHS) or other accredited courses.

SECTION 6. Chapter 13, Food and Food Handlers, Article XIII., Certification of Supervisory Personnel of Food Products Establishments, **Section 13-367 (g), Terms of certification**, of the City Code of San Antonio, Texas is hereby amended to read as follows:

(g) The San Antonio Metropolitan Health District shall recognize a food service operator's training certificate from the Texas Department of State Health Services (TDSHS) or other accredited courses until such time as the food service training certificate expires. Renewals shall be made in accordance with Section 13-368 of this article. An identification card as required by Section 13-367 shall be issued to a person holding a certificate not issued by the San Antonio Metropolitan Health District for the same fee as a replacement card as stipulated in Section 13-370(c) of this article.

SECTION 7. A food service operator's certificate may be renewed if the holder meets all three (3) health authority requirements as outlined in City Code Section 13-368.

SECTION 8. Chapter 13, Food and Food Handlers, Article XIII., Certification of Supervisory Personnel of Food Products Establishments, **Section 13-368 (a)(3), Renewal of certification**, of the City Code of San Antonio, Texas is hereby amended to read as follows:

- (a) A food service operator's certificate may be renewed if the holder:
 - (1) Attends a refresher course on food protection approved by the health authority;
and
 - (2) Passes the required tests at the conclusion of the course; and

- (3) Makes application on a form provided by the health authority prior to the expiration date of the TDSHS or other accredited course certificate.
- (b) The application shall include all information required under section 13-367(b). The application shall include the name and address, if any, where the applicant is employed, his title, and his signature. Such application must be accompanied by payment of the fee set out in section 13-370 of this article.
- (c) Obtaining a passing score of seventy-five (75) on a national examination for certification of food service operators shall be deemed to satisfy subsection (a)(2) above.

SECTION 9. A food service operator's certificate application is hereby increased to \$10.00.

SECTION 10. Chapter 13, Food and Food Handlers, Article XIII., Certification of Supervisory Personnel of Food Products Establishments, **Section 13-370 (a). Fees**, of the City Code of San Antonio, Texas is hereby amended to read as follows:

- (a) Food service operator's certificate. An application fee of ten (\$10.00) shall be required to be paid to the health authority at the time of application or renewal. This fee is required regardless of whether or not the course requirement is waived.

SECTION 11. The annual inspection required by the State for all individuals, organizations and/or businesses, including foster homes, requesting health department inspections for any type of facility or establishment not currently regulated or licensed elsewhere in the City Code is hereby increased to \$45.00.

SECTION 12. Chapter 15, Health, Article I., In General, **Section 15-2 (d). Fees for services from health department**, of the City Code of San Antonio, Texas is hereby amended to read as follows:

- (d) All individuals, organizations and/or businesses, including foster homes, requesting health department inspections for any type of facility or establishment not currently regulated or licensed elsewhere in the City Code shall pay a forty-five dollar (\$45.00) fee for each inspection. All fees shall be paid before the inspections are performed. Fees collected under this section shall be deposited into the city general fund.

SECTION 13. The permit requirements for various types of childcare facilities are hereby increased for child care facility with on-site food preparation from \$150.00 to \$175.00, for child care facility with no on-site food preparation from \$75.00 to \$85.00, for child care facility with no food served from \$40.00 to \$50.00, and for after school care from \$400.00 per agency to \$20.00 per site.

SECTION 14. Chapter 15, Health, Article IX., Regulation of Child Care Facilities, **Section 15-222 (g). Permit requirements for child care facilities; Permit fee**, of the City Code of San Antonio, Texas is hereby amended to read as follows:

(g) *Permit fee.*

- (1) The permit fee for child care facilities not involved in on-site preparation of food service shall be fifty dollars (\$50.00) (pro-rated at four dollars and seventeen cents (\$4.17) per month until May 31 following date permit issuance) upon issuance and annually thereafter.

(2) The permit fee for child care facilities involved in on-site preparation of food service shall be:

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| a. Primary food production
(pro-rated at \$14.58 per month) | \$175.00 |
| b. Satellite or non-meal production
(pro-rated at \$7.08 per month) | 85.00 |
| c. Food production for learning experience upon
issuance and annually thereafter
(pro-rated at \$2.50 per month) | 30.00 |

(3) The permit fee for group day home facilities shall be eighty-five dollars (\$85.00) (pro-rated at seven dollars and eight cents (\$7.08) per month) upon issuance and annually thereafter.

(4) All new facilities shall pay permit fees as shown in this section with the following provisions: The amount in each case shall be provided according to the month in which such establishment began operations. Those establishments commencing operation on July 1st shall pay a pro-rated portion of the stated charge.

(5) Permit fees charged to agencies providing after school care of school age children at multiple sites not involved in on-site preparation of food shall be twenty dollars (\$20.00) per site annually. Those establishments commencing operation on July 1st shall pay a pro-rated portion of the stated charge.

SECTION 15. The financial allocations in this ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director of Finance may, subject to concurrence by the City Manager or the City Manager's designee, correct allocation to specific fund numbers, fund centers, cost centers, internal order numbers, and account numbers as necessary to carry out the purpose of this Ordinance.

SECTION 16. This ordinance shall become effective on and after October 1, 2005.

PASSED AND APPROVED this 15th day of September, 2005.

ATTEST:

Leticia N. Ruiz
City Clerk

Phil Hardberger
MAYOR
PHIL HARDBERGER

APPROVED AS TO FORM

George J. Quinn
City Attorney